IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

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O R D E R

Satya Prakash Parihar
vs.
State of Rajasthan & Ors.

S.B. CIVIL WRIT PETITION NO.2580/2003 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 22nd December, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Kuldeep Mathur, Advocate for the petitioner.
Mr.Rameshwar Dave, Dy. Govt. Advocate.

BY THE COURT

The petitioner has filed this writ petition seeking direction to the respondents to allow senior scale and selection scale of pay prescribed by the U.G.C. For the PTIs on the same terms and conditions working under the Career Advance Scheme with

the interest @ 10% per annum.

The respondents in their reply to the writ petition have asserted that the petitioner filed writ petition before this Court being S.B. Civil Writ Petition No.106/1998 which was referred to the Rajasthan Civil Services Appellate Tribunal (for short 'th tribunal') by this Court for decision. The learned tribunal by its order dated 30th March, 2000 accepted the appeal and directed the respondents to grant UGC pay scale to the petitioner from the date of his initial appointment. In compliance therewith, the respondents have made pay fixation of the petitioner in the pay scale recommended by UGC and the arrears also made on 20th February, 2003. Interest was also paid to the petitioner which amount was computed to the Rs.2,48,592/- out of which a sum of Rs.74,578/- was deducted towards income tax and the remaining amount has been deposited in the bank account of the petitioner on 22nd December, 2003. The matter of the petitioner alongwith 20 others was pending consideration with the government for grant of senior pay scale and a proposal for meeting of the screening committee has been made by the

Directorate. The matter would then referred to RPSC for convening the meeting of screening committee.

The petitioner filed rejoinder to the reply in which it is admitted that on the basis of recommendation of the screening committee referred to supra, he has been granted senior scale as per Career Advancement Scheme of UGC w.e.f. 12th March, 1989. The committee however has not allowed selection scale to the petitioner though he possesses the requisite qualification and experience. According to the petitioner, there was no reason not to grant her selection scale because he has been having of his ACRs with good rating.

Having considered the arguments advanced by learned counsel for the parties and perused the material on record, I find that the respondents by their order dated 08th April, 2004 have already allowed the benefit of senior scale to the petitioner w.e.f. 01st January, 1996. The name of the petitioner in that order appears at serial No.14.

However, petitioner in para 5 of the rejoinder it has now been disclosed that he was informed by the respondents that since he was not having satisfactory annual confidential report he cannot be allowed selection scale. According to the petitioner he has submitted a representation to the respondents to dilute the condition of satisfactory appraisal to only good appraisal contained in their circular dated 19th Mary, 2001 as similar condition was not available in the Career Advancement Scheme. The petitioner has placed on record the copy of the circular dated 10th May, 2004. It is however not known as to what decision has been taken by the respondents on the request of the petitioner.

It would thus be clear that while part of the writ petition in regard to grant the senior selection scale has become infructuous, for remaining part also the respondents appears to have been denied the same to the petitioner but his representation their against is still pending decision with them. I therefore deem it appropriate to direct the respondent to consider and decide the representation of the petitioner within

two months from the date of receipt/service of copy of this judgment.

The writ petition is accordingly disposed of with no order as to costs.

[MOHAMMAD RAFIQ],J.

AKC